

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: Bankruptcy No. 19:16411-AMC
SUZANNE LETITIA BOLGER, Chapter 13
Debtor

**DECLARATION OF RICHARD W. ESTERKIN
IN SUPPORT OF JPMORGAN CHASE BANK N.A.'S
MOTION FOR ORDER DISMISSING BANKRUPTCY CASE WITH REFILING BAR**

I, Richard W. Esterkin, declare:

1. I am a member of the law firm of Morgan, Lewis. & Bockius LLP, counsel for JPMorgan Chase Bank, N.A. (“JPMC”) in the above-captioned matter. I make this declaration in support of JPMC’s *Motion for Order Dismissing Bankruptcy Case with Refiling Bar* (the “**Motion**”).

2. On June 4, 2021, I sent an e-mail to the Debtor’s counsel in which I: (a) noted that, on May 12, 2021, the Court had entered an order compelling the Debtor to produce certain documents on or before June 2, 2021, (b) to date, I had not received any of the documents that the Debtor was required to produce pursuant to that order and (c) that, if I did not receive those documents on or before 5:00 p.m. PDT on June 11, JPMC would seek further relief from the Court. A true and correct copy of the foregoing e-mail is attached hereto as Exhibit 1.

3. As of the date of this declaration, I have not received any response to the foregoing e-mail or any of the documents that this Court ordered the Debtor to produce in its May 12, 2021 order.

4. On July 7, 2021, I sent an e-mail to Debtor’s counsel in which I pointed out that the Debtor’s motion to reconsider this Court’s June 22, 2021 order (Docket No. 128) was based upon a misapprehension of facts, stated that the Debtor was then in violation of this Court’s June

22, 2021 order and stated that, absent compliance with the Court's June 22, 2021 order, JPMC would seek an order dismissing the Debtor's bankruptcy case and prohibiting the Debtor from filing a new bankruptcy case within six months. A true and correct copy of the foregoing e-mail is attached hereto as Exhibit 2.

5. On July 9, 2021, I received an e-mail from Debtor's counsel in response to my July 7, 2021 e-mail. While responding to my comments regarding the Debtor's motion for reconsideration, that e-mail did not address the Debtor's failure to comply with this Court's orders. A true and correct copy of the foregoing e-mail is attached hereto as Exhibit 3.

6. On July 11, 2021, I responded the foregoing e-mail, noting, among other things, that the Debtor's counsel's July 9, 2021 e-mail failed to address the Debtor's violation of this Court's orders and demanding that the Debtor comply with this Court's orders and produce the documents requested by JPMC. A true and correct copy of the foregoing e-mail is attached hereto as Exhibit 4.

7. As of the date of this declaration, the Debtor has not produced any of the documents that this Court directed the Debtor to produce in its May 12, 2021 and June 22, 2021 orders, has not served a written response to JPMC's April 9, 2021 requests for production and has not paid any portion of the \$2,500.00 in sanctions ordered by this Court in its June 22, 2021 order.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Santa Monica, California on July 19, 2021.



Richard W. Esterkin